

REMARKS

Applicant has carefully reviewed the Examiner's Office Action dated December 12, 2005, in which the Examiner rejected claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosed prior art in view of Roberts (US 4,151,681); as well as the rejection of claims 4-6 under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosed prior art in view of Roberts and further in view of Miller (US 2,321,695); the rejection of claims 7-10 under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosed prior art in view of Miller and further in view of Canfield (US 5,210,888); and the rejection of rejected claim 11 under 35 U.S.C. 103(a) as being unpatentable over Applicant's prior art in view of Miller and Canfield and further in view of Shimizu et al. (US 3,853,597).

Amendment to the Claims

To overcome the Examiner's rejections, claims 1-5 and 7 have been cancelled from further prosecution. Claim 6 has been amended to include all of the limitations in the cancelled claim 7.

Rejections under 35 U.S.C. 103(a)

Applicant wishes to direct the Examiner's attention to basic requirement of a *prima facie* case of obviousness as set forth in the MPEP § 2143. This section states that to establish a *prima facie* case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either

in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

In re Vaeck, 947 F 2d 488, 20 USPQ2d 1438 (Fed.Cir.1991). Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F .2D 1382, 1385, 165 USPQ 494,496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F .2d 1071, 5 USPQ2d 1596 (Fed. Cir.1998).

By way of review, the present invention as defined in the amended claim 6, is directed to a food preparation table which is capable of covering or exposing a pan holder with comparatively less force. This food preparation table is provided with n/2 covers for covering or exposing the pan holder with each cover including a pair of first hinge axles and a pair of second hinge axles. The pair of first

hinge axles is closer to a center portion of each of the covers than the second pair of hinge axles. In addition, the first and the second hinge axles are slidably engaged with two brackets with each bracket including a curved guide surface 156 which guides the first axles 66a and is formed with a slanted surface. Therefore, when the covers are opened, the first axles 66a are guided along the curved slanted surface. Since the guide surface 156 is both curved and slanted as opposed to a vertical surface, a comparatively less force is required to open the cover 50. Further, when the cover 50 is opened, an operator moves the hand upward and then forward, which makes the operation comfortable.

Regarding claim 6, the Office Action asserts that the present invention is obvious over Applicant's disclosed prior art in view of Miller and Canfield because Canfield teaches providing a bracket (10) with a curved guide surface (A'). However, the present invention is totally different in construction and function from the cited references.

First, the curved slant surface 156 of the present invention has no relationship to the cam surface of Canfield. In the present invention as set forth in claim 6, the curved slant surface 156 functions to guide the first axles 66a when the covers are opened or closed. In contrast, in Canfield, when frame members 43 are pivoted in the direction indicated by arrows C and D, pins 51 (corresponding to the first axles of the present invention) are not expected to contact cam surface 27 unless nested in detent 30 (corresponding to the support portion 160 of the present

invention). (Please refer to Fig. 1 and see col. 4, lines 34-37). In addition, Figs. 5 and 6 of Canfield show that the pins 51 and 61 are not in contact with the cam surfaces 22 and 27. Since the detent positions 29 and 30 determine the shape of the tent when the frame of the tent is fixed, the moving path of pins 51 does not matter to the tent. Therefore, Canfield does not teach or suggest using cam surface 27 as a surface for guiding the pins 51 along a specific path.

Further, the shape of curved slant surface 156 of the present invention is totally different in all respects from that of cam surface 27 of Canfield. In the present invention, the surface for guiding the first axles 66a is curved slanted. Therefore, when the covers are opened, the covers are moved smoothly. As a result, in opening and closing the cover, an operator feels comfortable (see page 10, line 15 to page 11, line 1). In contrast, the cam surface of Canfield is not a slanted surface for guiding the pins but is instead almost perpendicular to a flat bottom surface when pivoting frame members 43. Thus, during the operation of pivoting frame member 43 which allegedly corresponds to opening the covers, Canfield does not teach or suggest using the cam surface to perform the function of the curved surface in the subject invention.

Therefore, none of the references disclose or suggest the above features of claim 6. Further, no combination of references suggests the features of claim 6. Consequently, the rejection of claim 6 should be withdrawn.

Regarding claim 8, the Office Action asserts that the phrase “to pivotally connect end ... to hinge member” teaches that the hinge member can be mounted in any orientation and that Canfield teaches a bracket that provides a guide opening extended parallel with the top surface of the insulated wall. To the contrary, the part referred to by the Examiner only describes the connection of aperture 25 and pin 41. If the Examiner’s assertion were correct, aperture 25 would have to correspond to the guide opening 170 of the present invention. However, guide opening 170 of the present invention corresponds to the slots 26 of Canfield, not to the aperture 25 of Canfield. In addition, the slots 26 in Canfield corresponds to the guide opening 170 of the present invention which is not extended horizontally. Therefore, the present invention as claimed in claim 8 is totally different from the teaching in the cited references and the rejection of claim 8 should be withdrawn.

It is also believed that since claims 9-11 directly or indirectly depend on claims 6 and 8, the rejection of these claims should be withdrawn for the same reasons as given above with respect to claims 6 and 8, and further because claims 9-11 include additional features which, when taken alone and/or in combination with the features recited in claims 6 and 8, are clearly patentable over the cited references.

**CONCLUSION**

Applicant believes that this is a full and complete response to the Office Action. For the reasons discussed above, Applicant now respectfully submits that all of the pending claims are in complete condition for allowance. Accordingly, it is respectfully requested that the Examiner's rejections be withdrawn and that claims 6 and 8-11 be allowed in their present form. If the Examiner feels that any issues that remain require further discussion, he is kindly invited to contact Applicant's undersigned attorney to resolve the issues.

Should the Examiner require or consider it advisable that the specification, claims an/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case be passed to issue.

Respectfully submitted
Attorney for Applicant,

By: 

Eugene Lieberstein
Registration No. 24,645

Dated: March 13, 2006

CUSTOMER NO. 01109

ANDERSON KILL & OLICK, P.C.
1251 Avenue of the Americas
New York, New York 10020-1182
(212) 278-1000

CERTIFICATE OF MAILING

I hereby certify that this *Amendment* is being deposited with the United States Postal Service via First Class Mail addressed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 13, 2006.


Audrey de Souza